

Message Text

CONFIDENTIAL

PAGE 01 CAIRO 01133 311254Z

45

ACTION L-02

INFO OCT-01 NEA-09 ISO-00 SCCT-01 SY-04 IO-10 CIAE-00

DODE-00 PM-03 H-01 INR-07 NSAE-00 NSC-05 PA-01 RSC-01

PRS-01 SP-02 SS-15 USIA-06 USSS-00 EB-07 DOTE-00

FAA-00 CAB-02 JUSE-00 COME-00 OMB-01 SCA-01 TRSE-00

EUR-12 AID-05 /097 W

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R 310945Z JAN 75

FM AMEMBASSY CAIRO

TO SECSTATE WASHDC 1809

C O N F I D E N T I A L CAIRO 1133

E.O. 11652: GDS

TAGS: PINS, XX

SUBJECT: DATA ON EGYPTIAN LAW AND POLICY CONCERNING INTERNATIONAL
TERRORISM

REF: A-7676, OCTOBER 8, 1974

1. FOLLOWING INFORMATION KEYED TO PARA 2, REFAIR.

2. RE PARA 2 AND PARA 2 (A): AFTER SPENDING CONSIDERABLE
RESEARCH, EMBASSY FOUND THERE WAS LITTLE OF RECORD IN TERMS OF
TEXTS OF STATUTES, REGULATIONS AND OTHER MATERIAL WHICH WOULD
ELABORATE GOE POSITION ON TERRORISM. OFFICIAL PUBLICATIONS
WERE REVIEWED GOING BACK TO 1968, AND A CHECK WAS MADE OF WIDE
VARIETY OF OTHER REF MATERIAL. IT IS POSSIBLE GOVT DECREES, LAWS
OR REGULATIONS WERE PASSED AND SIMPLY NOT PUBLISHED BUT THERE IS
ABSOLUTELY NO EVIDENCE TO INDICATE THIS IS CASE.

3. RE PARA 2 (B): EMBASSY RESEARCH REVEALED NO INFORMATION
CONCERNING STATUTES AND REGULATIONS IMPLEMENTING EXISTING
INTERNATIONAL CONVENTIONS CONCERNED WITH TERRORISM. HOWEVER,
DISCUSSIONS WITH GEN MANAGER, EGYPTIAN CIVIL AVIATION AUTHORITY
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PAGE 02 CAIRO 01133 311254Z

AND HEAD OF CIVIL AVIATION SECTION IN ARAB LEAGUE DISCLOSED

THAT EGYPT HAS:

A) SIGNED 1963 TOKYO CONVENTION ON OFFENSES COMMITTED
ON BOARD AIRCRAFT (TIAS 6768; 20 UST 2941) AND DEPOSITED INSTRU-
MENT OF RATIFICATION.

B) SIGNED 1970 HAGUE CONVENTION FOR SUPPRESSION OF UNLAWFUL
SEIZURE OF AIRCRAFT (TIAS 7192; 22 UST 1641) AND DEPOSITED INSTRU-
MENT OF RATIFICATION.

C) SIGNED 1971 MONTREAL CONVENTION FOR SUPPRESSION OF UNLAWFUL
ACTS AGAINST SAFETY OF CIVIL AVIATION (TIAS 7570; 24 UST 564), BUT
HAS NOT YET RATIFIED THIS CONVENTION, AWAITING APPROVAL OF PEOPLE'S
ASSEMBLY.

EGYPTIAN SOURCES WERE UNAWARE OF UN CONVENTION ON PREVENTION
AND PUNISHMENT OF CRIMES AGAINST INTERNATIONALLY PROTECTED PERSONS
INCLUDING DIPLOMATIC AGENTS.

4. RE PARA 2 (C): THERE IS NO MATERIAL AVAILABLE CONCERNING
JUDICIAL OR ADMINISTRATIVE DECISIONS DEALING WITH INDIVIDUAL CASES
RELATED TO TERRORISM.

5. RE PARA 2 (D): INFORMATION CONCERNING PROSECUTION POLICY AND
PRACTICE, PENALTY IMPOSITION, AND CLEMENCY POLICY AND PRACTICE
ARE NOT NORMALLY PUBLISHED OR OTHERWISE PUBLICLY REVEALED BY GOE.
THIS HOLDS TRUE REGARDLESS OF SUBJECT.

6. RE PARA 2 (E): ONLY FORMAL STATEMENT CONCERNING TERRORISM IS
AN OUTGROWTH OF THE HIGHJACKING OF THE BRITISH AIRWAYS VC-10 AIR-
LINER LAST NOV. AT THAT TIME A SPECIAL SESSION OF PARMANENT AND
NATIONAL SECURITY COMMITTEES OF PEOPLE'S ASSEMBLY WAS CALLED TO
DISCUSS MATTER. COMMITTEES ISSUED STATEMENT ON NOV 24 REFLECTING
GOVT'S ANNOYANCE AND FRUSTRATION OVER PRESSURE EXERTED ON IT TO
RELEASE TO TUNIS HIGHJACKERS, "ROME 5" AND KHARTOUM TERRORISTS.
IN NAME OF PEOPLE'S ASSEMBLY, COMMITTEES CALLED FOR:

A) HOLDING OF HIGH-LEVEL CONF TO DRAW LINE BETWEEN LEGITIMATE
RESISTANCE AND CRIME;

CONFIDENTIAL

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PAGE 03 CAIRO 01133 311254Z

B) ARAB LEAGUE SYG TO INVITE PARTICIPANTS TO SUCH CONF;

C) PLO TO SHOULDER ITS RESPONSIBILITY TOWARD ELEMENTS WHICH
DEPARTED FROM "LEGITIMACY".

SCANNING OF MINUTES OF PEOPLE'S ASSEMBLY FROM NOV THRU MID-JAN
REVEALED NO FURTHER ACTION TAKEN ON MATTER, NOR WAS THERE ANY INDIC-
ATION, IN REVIEW OF MATERIAL FROM ARAB LEAGUE, THAT IT HAD ACTED.

7. RE PARA 2 (F):

A) AT TIME OF TUNIS HIGHJACKING, GOE STEADFASTLY REFUSED DEMAND THAT KHARTOUM TERRORISTS BE TURNED OVER TO HIGHJACKERS. US APPROACH THROUGH AMBASSADOR, WHO POINTED OUT TO FONMIN FAHMY SERIOUSNESS WITH WHICH USG AND US PUBLIC WOULD VIEW SUCH RELEASE, MADE STRONG IMPRESSION. IT IS INTERESTING TO NOTE THAT THERE WERE REPORTS CIRCULATING THEN THAT KHARTOUM GROUP WERE LEADING RELATIVELY PLEASANT LIVES IN LOOSE DETENTION. FONMIN FAHMY SOUGHT TO DISPEL SUCH REPORTS BY TELLING AMBASSADOR GROUP WAS "UNDER ARREST" IN REAL MEANING OF TERM.

B) ARTICLE IN PARIS LE MONDE JAN 20 DESCRIBING SADAT OUTBURST ON BEING INFORMED ABOUT ORLY AIRPORT TERRORISTS' SEEKING PERMISSION TO LAND PLACE IN CAIRO, IS REVEALING. ALTHOUGH MADE IN PRESENCE OF FRENCH JOURNALISTS, AND PROBABLY DONE TO IMPRESS THEM, IT IS, NEVERTHELESS, IMPORTANT IN CONTEXT OF UNDERSTANDING CURRENT ATTITUDE OF RANKING GOE OFFICIALS. SADAT IS QUOTED AS SAYING TO HIS ADVISOR ASHRAM MARWAN: "NO', NO', NO' I DO NOT WANT THEM HERE. IN PAST I HAVE GRANTED ASYLUM TO SEVERAL TERRORIST GROUPS BUT NOW THAT IS FINISHED. THEY ARE CRIMINALS. THEY ARE ACTING AGAINST INTERESTS OF PALESTINIAN RESISTANCE. MOREOVER THIS ORLY ATTACK IS DIRECTED AGAINST ME. A FEW DAYS BEFORE MY VISIT TO FRANCE, THEY ARE TRYING TO SABOTAGE GOOD RELATIONS BETWEEN FRANCE AND ARAB WORLD". SADAT, SIMILARLY, TOLD SEN PERCY ON JAN 15 THAT PARIS INCIDENT "WAS AIMED AT ME".

8. RE PARA 2 (G): IN LOOKING BACK OVER CASES OF TERRORISM IN WHICH EGYPT HAS BEEN INVOLVED IN ONE WAY OR ANOTHER, IT IS APPARENT THAT REACTIONS AND ATTITUDES WERE DETERMINED IN EACH CASE BY CIRCUMSTANCES BASED LARGEMLY ON POLITICAL CONSIDERATIONS AND IMMEDIATE INTERESTS OF EGYPT AND ITS LEADERSHIP, RATHER THAN CONFIDENTIAL

CONFIDENTIAL

PAGE 04 CAIRO 01133 311254Z

ON ANY BROADLY BASED RATIONALE OR MORAL CONVICTIONS. EGYPTIANS HAVE VIEWED EACH INCIDENT IN LIGHT OF WHETHER IT ASSISTS ARAB CAUSE, LEGITIMATE PALESTINIAN ASPIRATIONS AND/OR FAVORS UPCOMING EVENTS IN WHICH EGYPT INVOLVED. BUT, IN FINAL ANALYSIS, IT FAIR TO SAY THERE HAS BEEN GENERAL HARDENING OF ATTITUDE ON PART OF GOE TOWARD TERRORIST ACTIVITIES AS BEING COUNTERPRODUCTIVE. THIS IS PARTICULARLY TRUE, NOW THAT PLO IS GAINING RECOGNITION FROM AN INCREASING NUMBER OF COUNTRIES. EGYPTIAN LEADERSHIP, HOWEVER, DOES NOT BELIEVE IT IS POSSIBLE TO PRECLUDE ARAB EXTREMIST ELEMENTS FROM CONTINUING TO COMMIT ACTS OF TERRORISM. THEY (AND MANY OTHERS) ARE WAITING FOR PLO TO SET EXAMPLE BY DEALING HARSHLY WITH TERRORISTS WHO COME INTO THEIR HANDS. DAY THIS HAPPENS, IT WILL MEAN DECISIVE STEP FORWARD IN CONTROLLING TERRORISM FROM THIS SOURCE.

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